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**Attorneys for Plaintiff, DAVID R. SWAN**

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

**DAVID R. SWAN,**

Plaintiff,  
vs.

**UNUM LIFE INSURANCE  
COMPANY OF AMERICA;  
NORTHROP GRUMMAN  
CORPORATION'S LONG TERM  
DISABILITY PLAN**

Defendants.

**CASE NO. '15CV2479 WQHWVG**

**COMPLAINT FOR DISABILITY  
BENEFITS UNDER ERISA**

[29 U.S. Code Section 1132(a)(1)(B)]

Plaintiff DAVID R. SWAN alleges:

1. Plaintiff, DAVID R. SWAN, is an individual who resided in San Diego County, California, at the time of the benefit denial complained of herein.

2. On or about May 1, 2006, plaintiff was employed in the County of San Diego, State of California, for Northrop Grumman Corporation, as an Computer Systems Analyst.

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2  
3 3. Defendant, NORTHROP GRUMMAN CORPORATION'S LONG  
4 TERM DISABILITY PLAN, was the group long term disability plan sponsored  
5 by Northrop Grumman Corporation.; benefits for the plan were funded through a  
6 group insurance policy purchased from and administered by defendant, UNUM  
7 LIFE INSURANCE COMPANY OF AMERICA, (hereafter referred to as  
8 "UNUM").

9 4. The employer-sponsored group disability insurance policy and the claim  
10 at issue in this action are governed by the Employee's Retirement Income Security  
11 Act of 1974 (ERISA), 29 U.S. Code Section 1001. et. seq.

12 5. On or about September 27, 2007, plaintiff became disabled within the  
13 definition of the insurance policy, and after completing the elimination period of  
14 180 days, he received long term disability benefits up until they were denied by  
15 UNUM on February 23, 2015.

16 6. Plaintiff made a timely administrative appeal of this denial, which was  
17 subsequently denied by UNUM on or about October 1, 2015.

18  
19 WHEREFOR, plaintiff prays judgment from the Court:

20  
21 1. Declaring that plaintiff is covered for past and ongoing disability  
22 benefits and waiver of life insurance premiums under the plan;

23 2. For past-due and future benefits accumulating at the rate of  
24 approximately \$4,806.69 per month, less offset for Social Security Disability  
25 benefits received;

26 3. For reasonable attorney's fees;

27 4. For statutory interest;  
28

5. For costs of suit herein;
6. For such other relief as the court deems proper.

Dated: 11/2/2015

s/ Virgil A. Iler

Virgil A. Iler, Attorney for Plaintiff

DAVID R. SWAN